

KAVANAGH MALONEY & OSNATO LLP
Attorneys for Defendants Paul, Hastings,
Janofsky & Walker, LLP, Rebecca Kelder Myers,
and Catherine M. Clayton
415 Madison Avenue
New York, N.Y. 10017
212-207-8400
James J. Maloney
David F. Bayne
Steven M. Cordero

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

KAT HOUSE PRODUCTIONS, LLC d/b/a SURF
CHICK, KATHLEEN MERRICK, PATRICIA J.
WAGNER and AURORA CONTRERAS,

[ECF]

07 CIV 9700(BSJ)(MHD)

Plaintiffs,

-against-

**NOTICE OF MOTION
TO DISMISS THE ACTION**

PAUL, HASTINGS, JANOFSKY & WALKER, LLP,
REBECCA KELDER MYERS, KATHERINE CHANG
and CATHERINE M. CLAYTON,

Defendants.

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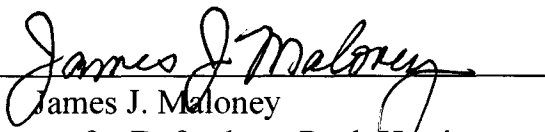
PLEASE TAKE NOTICE that upon the Declaration of Eve M. Coddon, dated to January 16, 2008 and the Exhibits thereto including the Amended Verified Complaint annexed thereto as Exhibit B, the Memorandum of Law, dated January 17, 2008, submitted herewith, and upon all the prior pleadings and proceedings had herein, Defendants Paul, Hastings, Janofsky & Walker, LLP, Rebecca Kelder Myers, and Catherine M. Clayton, by

their undersigned counsel, will move this Court before the Honorable Barbara S. Jones at the at the United States Courthouse, 500 Pearl Street, New York, New York for an Order pursuant to Federal Rules of Civil Procedure Rule 12(b)(1) and (6) dismissing the action as against them on the grounds that this Court lacks subject matter jurisdiction over the action, and, in the alternative, for failure to state a claim upon which relief can be granted as against Defendants Myers and Clayton.

PLEASE TAKE FURTHER NOTICE, that, pursuant to Rule 6.1(b) of the Local Civil Rules of the Southern and Eastern Districts of New York, answering affidavits and memoranda, if any, must be served upon and received by the undersigned no later than February 4, 2008.

Dated: New York, N.Y.
January 17, 2008

KAVANAGH MALONEY & OSNATO LLP

By 
James J. Maloney
Attorneys for Defendants Paul, Hastings,
Janofsky & Walker, LLP, Rebecca Kelder Myers,
and Catherine M. Clayton
415 Madison Avenue
New York, N.Y. 10017
212-207-8400

TO:

EGAN & GOLDEN LLP
Brian T. Egan, Esq.
475 East Main Street, Suite 114
Patchogue, NY 11772
Attorneys for Plaintiffs
631-447-8100

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

The undersigned, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at 226 East 74th Street, New York, NY.

That on January 17, 2008 deponent served the annexed

**NOTICE OF MOTION AND DECLARATION OF
EVE M. CODDON IN SUPPORT OF CERTAIN
DEFENDANTS' MOTION TO DISMISS THE ACTION**

BY MAIL

on

Brian T. Egan, Esq., Egan & Golden, LLP, 475 East Main Street, Suite 114, Patchogue, NY 11772, Attorneys for Plaintiffs

by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


Harriet Lobl

Sworn to before me this
17th day of January, 2008


Notary Public

STEVEN MARK CORDERO
Notary Public, State of New York
No. 02CO6059031
Qualified in Queens County
Commission Expires May 21, 2011